



## Inter-Office Memorandum

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To: Council President Carmella Mantello  
Council Pro Tempore Anasha Cummings  
Councilmember Jim Gulli  
Councilmember Debra Garrett  
Councilmember Coleen Paratore  
Councilmember David Bissember  
Councilmember Timothy Kennedy

From: Mayor Patrick Madden

Subject: **Resolution #113 – City of Troy**

Date: July 2, 2019

It is my understanding that the Council intends to bring forth for consideration Resolution #113, (Resolution Affirming The City Of Troy As A Sanctuary City), tabled at the December 6, 2018, City Council meeting.

I write today with the dual purpose of stating my deep concern about the wording of the original resolution and, more importantly, to provide clarity about the City's current practices and policies relative to the subject of civil enforcement of federal immigration matters.

The City of Troy has benefited greatly from the waves of immigrants that have made our city their home over many generations. The diversity of culture, foods, festivals, music and traditions from Armenia to Zaire makes Troy an attractive place for visitors and residents alike. Over the past two centuries the industriousness and entrepreneurship of immigrants contributed greatly to the economic lifeblood of our city and provided the foundation of many of our most cherished institutions. Immigrants past and present are an integral part of our community fabric.

Nevertheless, for the reasons noted below I am opposed to designating Troy as a sanctuary city. The term "sanctuary city" has no legal meaning. It is an imprecise term that can and often does refer to a wide array of state and local policies on immigration enforcement. Lacking a precise meaning it tends to create confusion as well as an unsubstantiated set of expectations. This has been demonstrated in the debate in our own community over the past 7 months. The imprecision of the term has allowed people to apply their own meaning, generating false narratives and misinformation.

Further complicating the matter is the fact that the Rensselaer County Sheriff's Department participates with the U.S. Immigration and Customs Enforcement Office (ICE) under what is known as a 287(g) Agreement. As the Sheriff's Department has concurrent jurisdiction within the City limits, this agreement effectively places Immigration agents within our city.

In addition, there are a growing number of ways that information not collected for immigration purposes and not necessarily directly connected to one's immigration status will find its way to federal immigration authorities. Fingerprints are a current example, with emerging technology like data from plate readers and street level video expected to continue to grow. While not intended to promote enforcement of immigration statutes this routine sharing of information can nonetheless diminish one's anonymity.

To suggest that Troy can offer an individual sanctuary from immigration enforcement creates a false sense of security in those whom the Resolution's sponsors are attempting to help.

It is undeniable that government's most important responsibility is to ensure public safety. We commit significant time and resources in pursuit of that goal. And it is a well-accepted fact that the efficacy of our public safety effort is directly related to the trust and confidence our residents have in our police department. Individuals who are victims of or witness to crime should be encouraged to report and cooperate with our police department. The entire community is better served when there are no barriers, perceived or actual, to the fullest measure of cooperation.

It is also an undeniable fact that the effectiveness of our public safety efforts is based on a collaborative relationship and the sharing of crime related information with other police agencies in the area at the local, state and federal levels.

Given the uncertainty and confusion that has surfaced in recent discussions about "sanctuary city," I think it is useful to share what our policies and practices are with respect to the civil immigration matters.

Under our constitutional structure the federal government has exclusive jurisdiction over civil immigration matters. Accordingly, it has been and continues to be to be the policy of the City of Troy that City employees shall not inquire about an individual's immigration status unless knowledge of their status is necessary to determine eligibility for the service or benefit being requested or where such an inquiry is lawfully required by federal, state or local law.

City employees do not respond to requests for information from any source for non-public information about any individual unless the request is permitted by law.

Consistent with the Tenth Amendment to the United States Constitution, the Troy Police Department does not, and shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law pursuant to 8 U.S.C. § 1357(g).

In compliance with the 4th Amendment to the U.S. Constitution, the Troy Police Department does not, and will not arrest or detain an individual based solely on actual or suspected immigration or citizenship status nor hold an individual on a civil immigration or administrative detainer.

Notwithstanding the foregoing, the Troy Police Department may engage, assist or support immigration enforcement under the following circumstances:

- In response to an articulated, direct threat to life or public safety, or
- When such services are required to safely execute a criminal warrant or court order issued by a State or Federal Court, or
- Where it has been demonstrated that a State or Federal statute or regulation requires local law enforcement cooperation.

These policies are consistent with applicable federal law and the U.S. Constitution.

I hope that this adds a measure of clarity to this discussion. I remain available if you have any questions or additional concerns.